HARVARD UNIVERSITY

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Dr. Drew Gilpin Faust President, Harvard University Massachusetts Hall, Cambridge MA 02138

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Dear Drew,

On 12 December 2017 you wrote a powerful note to the Harvard community, entitled Sexual Harassment, which resonated deeply. "We must commit ourselves not just to building institutional structures, but to encouraging individual action ... We must speak when we see wrongdoing." It is in that spirit that I called you shortly afterwards, and that I write to you now. Your email made concrete the realization that I was no longer comfortable being a faculty member in the Department of Statistics at Harvard without speaking.

Since our conversation, I have met over a dozen Harvard administrators who have direct or indirect responsibility for tackling cases of sexual harassment. The conversations were constructive and taught me much. I write to share what I learnt, and to describe the opportunities we may now have at Harvard to build on progress already made. Based on my inquiries and observations, I believe that we need to:

- 1. Simplify and make more robust the process by which harassment claims are investigated and perpetrators disciplined. The institutional structures can be more powerful, supportive and agile.
- 2. Reinforce by action what we state in words in the Faculty Handbook and elsewhere: "Such behaviour [sexual harassment] is unacceptable in a University." It needs to be demonstrated to faculty, students and staff that those who engage in such behaviour will be removed from the University.
- 3. Acknowledge broader societal shifts regarding sexual harassment, and incorporate these into our institutional mind-set and procedures.

In our communications, we exhort students and other victims of harassment to come forward and speak up. However, the path Harvard places before them is emotionally arduous and possibly overwhelming. For example, if a student makes an official complaint to the Title IX office, then the matter is passed to the Office of Dispute Resolution. The ODR Investigation Process is summarized by a seventeen-step flow chart. The Title IX office may, in certain circumstances, decide to act as the complainant, taking much of the burden from the student. Yet, in such a situation, according to the Office of General Counsel, the student is not informed of the outcome of the investigation. Furthermore, reports to the Title IX office are not confidential; rather, the office "protects privacy to the greatest extent possible." In short, our current institutional structure may actively discourage victims from pursuing complaints.

Examples from other industries highlight how daunting it can be for victims to report harassment. The parallels with the film industry are particularly illuminating. Can we expect our graduate

¹ There is even a footnote: "This flow chart is intended as guidance ... For a complete description, please refer to the [Policy]."

students to speak up when, for example, Ashley Judd was unwilling to do so? As Nina Zipser wrote on 14 December 2017, "in academia, we often feel we need to rely on narrow networks of individuals." Put bluntly, we do rely on a very small group of individuals. The influence a senior professor holds over a PhD student's career, like that of a major producer over an actor, is immense: a poor letter of recommendation torpedoes job prospects. The fear of speaking out extends, as it did in Hollywood, from those starting out in the field to those more established in their career. I encountered professors who would not speak on the record for fear of retribution or disruption to their own career. This reality needs to be incorporated into our investigative procedures; in particular, victims and witnesses need to have confidence that perpetrators will, when appropriate, be removed from the University.

I also observed severally the perception that Harvard has been an institution that does not act. Conversations drew from a lexicon of inaction: "Harvard is designed to move slowly"; "Our realities are different from those faced by a commercial organisation - we are not in a position to be able to take swift action"; "We have been living with open secrets for years"; "We have been trying to get rid of certain individuals for decades and it has never been possible"; "Tenured academics are, in practice, not bound by the same standards of behaviour as others."

During my time at Morgan Stanley and the Harvard Management Company, I have seen that decisive action rapidly shifts perception, culture and behaviour. I believe that Harvard now has the opportunity, by manifesting itself as an institution that will take the necessary steps, to change attitudes and behaviours throughout the University. The terms of employment of a tenured faculty member are, of course, different from those of a person employed-at-will in a corporation. However, the University has broad capability to act², and we can certainly hold, and be seen to hold, faculty to the same standards of behaviour regarding sexual harassment as demanded of employees of a non-academic institution.

The balance of risks around both institutional and individual responsibilities regarding sexual harassment is shifting fast. Whereas once it may perhaps have been judged inadvisable for Harvard to take cases forward and risk litigation and heightened public scrutiny, now it seems more risky for the institution to err towards inaction or accommodation. Equally, whereas once it may have been acceptable, if uncomfortable, for individuals to turn a blind eye to inappropriate behaviour of a colleague, society now rightly judges more harshly those not acting on knowledge of "open secrets". The University has an opportunity, by demonstrating action, to increase the momentum of this cultural shift, both within and without its walls.

Yours sincerely,

Stephen Blyth

² For example, the University's 1971 Memorandum on Academic Tenure affirms, "A tenured faculty member is not irremovable ... Tenure does not permit a faculty member to flout the rules and regulations of his institution nor even to engage, with impunity, in what by the standards of his [sic] discipline or profession would be malpractice". Statute 3: Officers and Staff of the University states, "Officers holding teaching appointments are subject for removal by the Corporation only for grave misconduct or neglect of duty". The FAS Procedures Concerning Alleged Harassment allow that, "in certain cases, it may be appropriate for the Dean of the FAS to modify the procedures set forth below, including ... in cases involving grave misconduct or neglect of duty arising under the Third Statute."